

REMARKS

Claims 1 and 3-13, 16, 18, 19, 21, 24-48, and 50-60 are pending in the application. Claims 14, 15, 17, 20, 22, 23, 49 and 61 are cancelled without prejudice or disclaimer. Claims 16, 18, 19, 21, 24, 26, 45, 46, 50, 51, and 60 are amended. Claim 16 is amended to depend from claim 5. Claims 18 and 19 are amended to depend from claim 7. Claim 21 is amended to depend from claim 10. Claims 24 and 26 are amended to depend from claim 4. Claim 24 is amended to clarify the further refining of the order of steps and to clarify that there is no third filtering step. Claim 45 is amended to clarify what the Applicant intended to claim. Claim 46 is amended to incorporate the subject matter of cancelled claim 49. Claims 50 and 51 are amended to depend from claim 46.

Claim Objections

Claims 14-24 were objected to for informalities. Claims 14, 15, 17, 20, 22, and 23 are cancelled as duplicates of claims 4, 5, 7, 10, 12, and 13, respectively. The Examiner was mistaken in asserting that claims 16, 18, 21, and 24 were exact duplicates of claims 6, 8, 11, and 14, respectively. By contrast, claims 16, 18, 21, and 24 have different wordings than claims 6, 8, 11, and 14, respectively, and are not exact duplicates as shown below.

Claim 14 is cancelled and claims 24 and 26 are amended to depend from claim 4.

Claim 15 is cancelled and claim 16 is amended to depend from claim 5.

Claim 17 is cancelled and claims 18 and 19 are amended to depend from claim 7.

Claim 18 recites, *inter alia*, "discarding component parts deemed not to be relevant to said particular subject", while claim 8 recites, *inter alia*, "discarding component parts deemed not to be relevant."

Claim 19 recites, *inter alia*, "where at least one component part is deemed to be relevant to said particular subject, passing the web page to the presenting step; and where no component part

is deemed to be relevant to said particular subject, discarding the web page", while claim 9 recites, *inter alia*, "where at least one component part is deemed to be relevant, passing the web page to the presenting step; and where no component part is deemed to be relevant, discarding the web page."

Claim 20 is cancelled and claim 21 is amended to depend from claim 10.

Claim 21 recites, *inter alia*, "deeming the web page to be relevant to said particular subject when it achieves a threshold weight", while claim 11 recites, *inter alia*, "deeming the web page to be relevant when it achieves a threshold weight."

Claim 22 is cancelled.

Claim 23 is cancelled.

Claim 24 is amended to clarify the further refining of the order of steps and to clarify that there is no third filtering step. Amended claim 24 recites, *inter alia*, "The method according to Claim 14, wherein said filtering the contents of a site at least said second time for relevancy occurs prior to said step of presenting."

Therefore, Applicant respectfully requests that the objection to claims 16, 18, 21, and 24 be withdrawn.

Claim Rejections – 35 U.S.C. §101

Claim 61 was rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter.

Claim 61 is cancelled.

Claim Rejections – 35 U.S.C. §112

Claims 4 and 45 were rejected under 35 U.S.C. §112, second paragraph.

Claim 24 is amended to clarify the further refining of the order of steps and to clarify that there is no third filtering step. Amended claim 24 recites, *inter alia*, "The method according to Claim 14, wherein said filtering the contents of a site at least said second time for relevancy occurs prior to said step of presenting."

Claim 45 is amended to recite "at least one of said filtering steps".

Applicant respectfully asserts that the claims as amended set forth the subject matter which Applicant regards as their invention. Applicant respectfully asserts that "at least one of said filtering steps" as recited in claims 4 and 45 may include one or more of the two filtering steps of claim 1.

Claim Rejections – 35 U.S.C. §103 Hammer/Gable

Claims 1, 4, 14, 10, 20, 26-32, 40, 41, 46-48, and 52 were rejected under 35 U.S.C. §103(a) as being unpatentable over J. Hammer and J. Fiedler, "Using Mobile Crawlers to Search the Web Efficiently," Pub'd. 2000 (Hammer) in view of U.S. Patent No. 6,029,165 to Gable (Gable).

Claim 1 recites, *inter alia*, "traversing links between sites on the computer network, by said search engine; filtering, by said search engine, contents of each site visited to determine relevancy of content to said particular subject; and filtering the contents of a said site at least a second time for relevancy to said particular subject".

The combination of Hammer and Gable fails to teach or suggest the second filtering of the contents of sites visited as claimed in claim 1. In addition, this element is not inherent in Hammer or Gable.

The Examiner admits that Hammer does not teach or suggest the second filtering of the contents of sites visited by the search engine as claimed in claim 1. Furthermore, Gable is directed towards stored "predefined search queries" which may be developed or refined by feedback. (Gable, abstract; FIG. 11; col. 13, lines 10-21.) Such predefined search queries are characterized by collections of links structured and organized by hand, like a catalog. This refinement by feedback in Gable is not performed on the contents of each site visited by the search engine, as in the claimed invention, but to the stored "predefined search queries." Such predefined search queries are based on the principle of "everything is relevant," meaning that every page encountered is saved, giving more irrelevant results than the claimed invention. By contrast, the claimed invention is based on the principle that "most pages are not relevant," resulting in more irrelevant pages being filtered out. Therefore, the combination of Hammer and Gable does not teach or suggest the claimed second filtering of the contents of sites visited by the search engine as claimed in claim 1.

According to MPEP § 2112, "[I]n relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art." *Ex parte Levy*, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990) (emphasis in original).

The Examiner merely stated that it is well known that filtering "can" be repeated or "can" occur a second time. Thus, the Examiner did not reasonably support a determination that a second filtering necessarily flows from the teaching of Hammer and Gable. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.

Therefore, claim 1 is patentable over the combination of Hammer and Gable under §103.

Dependent claims 4, 10, 26-32, 40, and 41 depend, directly or indirectly, from patentable claim 1 and thus inherit the patentable subject matter of claim 1 while further defining or adding elements. Therefore, claims 4, 10, 26-32, 40, and 41 are also patentable over the combination of Hammer and Gable under §103.

Claims 14 and 20 are cancelled.

Claim 46 recites, *inter alia*, "a first filter of said search engine, to filter out sites, based on site contents, whose contents are irrelevant to said particular subject, and to permit only sites relevant to said particular subject to pass; and an indexer of said search engine to index the relevant sites; and memory, connected to the host computer, for storing indexed subject-specific information generated by said indexer, wherein the software further comprises at least a second filter, prior to said indexer". For the reasons given above with respect to claim 1, claim 46 is also patentable over the combination of Hammer and Gable under §103.

Dependent claims 47, 48, and 52 depend, directly or indirectly, from patentable claim 46 and thus inherit the patentable subject matter of claim 46 while further defining or adding elements. Therefore, claims 47, 48, and 52 are also patentable over the combination of Hammer and Gable under §103.

Claim Rejections – 35 U.S.C. §103 Hammer/Gable/Conklin

Claims 3, 25, 45, 50, and 53 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hammer in view of Gable and further in view of U.S. Patent No. 6,363,378 to Conklin et al. (Conklin).

Claim 1 recites, *inter alia*, "traversing links between sites on the computer network, by said search engine; filtering, by said search engine, contents of each site visited to determine relevancy of content to said particular subject; and filtering the contents of a said site at least a second time for relevancy to said particular subject".

The combination of Hammer, Gable and Conklin fails to teach or suggest the second filtering of the contents of sites visited as claimed in claim 1. For the reasons given above, claim 1 is patentable over the combination of Hammer and Gable under §103. Furthermore, Conklin is directed to query feedback that facilitates the user in re-formatting a new query. (Conklin, abstract; Fig. 1; col. 5, lines 16-36.) Such query feedback is not the same as the second filtering of the contents of sites visited as claimed in claim 1 because the feedback in Conklin does not do any filtering on the contents of sites visited. Therefore, claim 1 is patentable over the combination of Hammer, Gable, and Conklin under §103.

Dependent claims 3, 25, and 45 depend, directly or indirectly, from patentable claim 1 and thus inherit the patentable subject matter of claim 1 while further defining or adding elements. Therefore, claims 3, 25, and 45 are also patentable over the combination of Hammer, Gable, and Conklin under §103.

Claim 46 recites, *inter alia*, "a first filter of said search engine, to filter out sites, based on site contents, whose contents are irrelevant to said particular subject, and to permit only sites relevant to said particular subject to pass; and an indexer of said search engine to index the relevant sites; and memory, connected to the host computer, for storing indexed subject-specific information

generated by said indexer, wherein the software further comprises at least a second filter, prior to said indexer". For the reasons given above with respect to claim 1, claim 46 is also patentable over the combination of Hammer, Gable, and Conklin under §103.

Dependent claims 50 and 53 depend, directly or indirectly, from patentable claim 46 and thus inherit the patentable subject matter of claim 46 while further defining or adding elements. Therefore, claims 50 and 53 are also patentable over the combination of Hammer, Gable, and Conklin under §103.

Claim Rejections – 35 U.S.C. §103 Hammer/Gable/Burrows

Claims 5-9, 11-13, 15-19, and 21-23 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hammer in view of Gable and further in view of U.S. Patent No. 6,021,409 to Burrows (Burrows).

Claim 1 recites, *inter alia*, "traversing links between sites on the computer network, by said search engine; filtering, by said search engine, contents of each site visited to determine relevancy of content to said particular subject; and filtering the contents of a said site at least a second time for relevancy to said particular subject".

The combination of Hammer, Gable and Burrows fails to teach or suggest the second filtering of the contents of sites visited as claimed in claim 1. For the reasons given above, claim 1 is patentable over the combination of Hammer and Gable under §103. Burrows fails to teach or suggest the second filtering of the contents of sites visited as claimed in claim 1. Therefore, claim 1 is patentable over the combination of Hammer, Gable, and Burrows under §103.

Dependent claims 5-9, 11-13, 15-19, and 21-23 depend, directly or indirectly, from patentable claim 1 and thus inherit the patentable subject matter of claim 1 while further defining or adding elements. Therefore, claims 5-9, 11-13, 15-19, and 21-23 are also patentable over the combination of Hammer, Gable, and Burrows under §103.

Claim Rejections – 35 U.S.C. §103 Hammer/Gable/Menczer

Claims 33-39 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hammer in view of Gable and further in view of F. Menczer, F. Pant, P. Srinivasan and M. Ruiz, "Evaluating Topic-Driven Web Crawlers" (2001) (Menczer).

Claim 1 recites, *inter alia*, "traversing links between sites on the computer network, by said search engine; filtering, by said search engine, contents of each site visited to determine relevancy of content to said particular subject; and filtering the contents of a said site at least a second time for relevancy to said particular subject".

The combination of Hammer, Gable and Menczer fails to teach or suggest the second filtering of the contents of sites visited as claimed in claim 1. For the reasons given above, claim 1 is patentable over the combination of Hammer and Gable under §103. Menczer fails to teach or suggest the second filtering of the contents of sites visited as claimed in claim 1. Therefore, claim 1 is patentable over the combination of Hammer, Gable, and Menczer under §103.

Dependent claims 33-39 depend, directly or indirectly, from patentable claim 1 and thus inherit the patentable subject matter of claim 1 while further defining or adding elements. Therefore, claims 33-39 are also patentable over the combination of Hammer, Gable, and Menczer under §103.

Claim Rejections – 35 U.S.C. §103 Hammer/Gable/Conklin

Claims 42-44 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hammer in view of Gable and further in view of Conklin.

Claim 1 recites, *inter alia*, "traversing links between sites on the computer network, by said search engine; filtering, by said search engine, contents of each site visited to determine relevancy of content to said particular subject; and filtering the contents of a said site at least a second time for relevancy to said particular subject".

The combination of Hammer, Gable and Conklin fails to teach or suggest the second filtering of the contents of sites visited as claimed in claim 1. For the reasons given above, claim 1 is patentable over the combination of Hammer, Gable, and Conklin under §103.

Dependent claims 42-44 depend, directly or indirectly, from patentable claim 1 and thus inherit the patentable subject matter of claim 1 while further defining or adding elements. Therefore, claims 42-44 are also patentable over the combination of Hammer, Gable, and Conklin under §103.

Claim Rejections – 35 U.S.C. §103 Conklin/Hammer

Claims 60 and 61 were rejected under 35 U.S.C. §103(a) as being unpatentable over Conklin in view of Hammer.

Claim 60 recites, *inter alia*, "traversing links between sites on the computer network, by said search engine; filtering, by said search engine, contents of each site visited to determine relevancy of content to said particular subject; filtering the contents of a said site at least a second time for relevancy to said particular subject".

The combination of Hammer and Conklin fails to teach or suggest the second filtering of the contents of sites visited as claimed in claim 60. For the reasons given above, claim 60 is patentable over the combination of Hammer and Conklin under §103. Furthermore, Conklin is directed to query feedback that facilitates the user in re-formatting a new query. (Conklin, abstract; Fig. 1; col. 5, lines 16-36.) Such query feedback is not the same as the second filtering of the contents of sites visited as claimed in claim 1 because the feedback in Conklin does not do any filtering on the contents of sites visited. Therefore, claim 60 is patentable over the combination of Hammer and Conklin under §103.

Claim 61 is cancelled.

CONCLUSION

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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